

ATTACHMENT 1

Please provide documents referenced in S&W Waste, Inc.'s Response to CERCLA § 104(e) Request For The Bayonne Barrel & Drum Superfund Site, 150-154 Raymond Boulevard, Newark, Essex County, New Jersey (See Exhibit A to this Attachment 1, incorporated here by reference):

- Please provide the referenced Exhibit A, including documents attached that indicate that S&W transacted business with Bayonne Barrel & Drum from approximately January of 1980 until December of 1982: "See documents attached as Exhibit A. The documents indicate that S&W transacted business with Bayonne Barrel & Drum from approximately January 1980 until December 1982." (Pg. 6).
- Please provide the analysis on paints, inks, and dyes referenced: "S&W has written analyses of the contents of certain drums delivered to S&W's former facility." (Pg. 8).
- Please provide the copy of procedures for barrel handling: "Each empty container and barrel delivered to Bayonne Barrel & Drum was emptied by S&W by pouring, dumping, and/or pumping its contents into other container at S&W's former facility in accordance with USEPA/NJDEP regulations." (Pg. 8).

Please provide documents referenced in RCRA Facility Investigation (RFI) For S&W Waste, Inc. (See Exhibit B to this Attachment 1, incorporated here by reference):

- Please provide the referenced attachment 1, describing hazardous wastes received by S&W Waste: "S&W Waste accepts for storage, treatment and transfer a variety of hazardous waste materials." (Pg. 3).
- Please provide the referenced attachment 2, describing spills and releases from roll-offs and vacuum trucks during 1985 and 1986: "Spills and releases from roll-offs and vacuum truck, have been documented near the bulk storage areas which are covered with crushed stones, during years 1985 and 1986." (Pg. 3).
- Please provide the referenced attachment 3, describing groundwater contamination analysis for 1986 and 1987: "Analytical results in the report of 5/20/86 have revealed contamination of ground water. However, analytical results in the report of 7/9/87 have not shown contamination of ground water. The pattern of releases of hazardous waste and/or constituents has been changed during the years 1986-1987, and therefore the potential source of contamination cannot be determined." (Pg. 3).
- Please provide the referenced soil sampling plan of March 20, 1985: "Upon issuance of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit pursuant to N.J.A.C. 7:14A-1 et seq., the final NJPDES permit shall supersede any previously existing ground water monitoring program requirements that the company may have implemented. A copy of the draft NJPDES permit prepared by the Bureau of Ground Water Quality Management of the Department's Division of Water Resources is included in Attachment 4." (Pg. 6).

Please provide Annual PCB Reports from 2004 and 2005 (See Exhibit C to this Attachment 1, incorporated here by reference, which contains a report from 2003 for the same entity.)

EXHIBIT A



November 16, 1995

James Cogentino, OSC
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, NJ 08837

NOV 20 1995

Re: S&W Waste, Inc.'s Response to
CERCLA § 104(e) Request For The
Bayonne Barrel & Drum Superfund
Site, 150-154 Raymond Boulevard,
Newark, Essex County, New Jersey

Dear Sir:

S&W Waste, Inc. ("S&W") responds to the USEPA's September 28, 1995, CERCLA § 104(e) Information Request for the Bayonne Barrel & Drum Superfund Site as follows:

Definitions

1. As used herein, the terms "Bayonne Barrel & Drum" or the "Site" shall refer to approximately fifteen acres of property located at 150-154 Raymond Boulevard in Newark, Essex County, New Jersey and identified as Lots 3 and 14 of Block 5002.

As used herein, the term "hazardous substance" shall have the meaning set forth in section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that

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fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.

3. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. § 6903(5), (3) and (33), respectively.
4. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is radioactive;
 - i. it is an industrial treatment plant sludge or supernatant;
 - j. it is an industrial byproduct having some market value;
 - k. it is coolant water or blowdown waste from a coolant system;
 - l. it is a spent product which could be reused after rehabilitation; or
 - m. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

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5. As used herein, the term "release" and "person" shall have the meaning set forth in Section 101(22), and (21) of CERCLA, 42 U.S.C. § 9601(14), and (21), respectively.
6. As used herein, the terms "the Company" and "your Company" refer not only to the addressee as it is currently named and constituted, but also to all of its predecessors- or successors-in-interest and the subsidiaries, divisions, affiliates, and branches of the addressee and their predecessors- or successors-in-interest.
7. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

Request for Information

1. General Information About the Company

- a. State the correct legal name of the Company.

Response: S&W Waste, Inc.

- b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.

Response: Subchapter S Corporation (New Jersey)

- c. State the name(s) and address(es) of the President and the Chairperson of the Board of the Company.

Response: William F. Moscatello
S & W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

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- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationship.

Response: Not applicable

- e. If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.

Response: Not applicable

- f. If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.

Response: Not applicable.

2. Company's Relationship to Bayonne Barrel & Drum

- a. State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

Response: S&W sold and transported empty drums to Bayonne Barrel & Drum from its former facility located at 53 Pennsylvania Avenue, South Kearny, New Jersey. Some of the empty drums sold by S&W to Bayonne Barrel & Drum were transported by Bayonne Barrel & Drum personnel.

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S&W also removed containers containing sludge from Bayonne Barrel & Drum and delivered empty containers to Bayonne Barrel & Drum for sludge collection.

- i. If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;

Response: See response to 2(a) above.

- ii. Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;

Response: None.

- iii. For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and

Response: S&W's former facility, located at 53 Pennsylvania Avenue South Kearny, N.J., was a hazardous waste transfer, storage and treatment facility. This facility was in operation from 1972 until 1984.

- iv. For each such facility, state its name, address, and current RCRA Identification Number.

Response: See response to 2(a)(iii) above.
EPA ID No. NJD 096865837

- b. In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:

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- i. Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

Response: See documents attached as Exhibit A. The documents indicate that S&W transacted business with Bayonne Barrel & Drum from approximately January 1980 until December 1982.

- ii. Identify the number of Containers that were the subject of each such transaction;

Response: S & W occasionally removed a container of sludge from Bayonne Barrel & Drum. After that container was emptied at an off-site location, it was returned to Bayonne Barrel & Drum by S&W.

S & W sold and delivered an unknown quantity of empty drums to Bayonne Barrel & Drum.

- iii. Generically describe each Container that was the subject of each such transaction (example; closed-head steel drums, etc.);

Response: The sludge container was steel. Most of the empty drums were steel; some of the empty drums were plastic.

- iv. Identify the intended purpose of each such transaction;

Response: S&W sold empty drums to Bayonne Barrel & Drum. Bayonne Barrel & Drum reconditioned the drums for resale, reuse. S&W delivered empty containers to Bayonne Barrel & Drum which were used to collect waste from the drum reconditioning process.

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v. State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substance:

- (1) Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and

Response: The containers removed from Bayonne Barrel & Drum by S&W contained sludge from the drum reconditioning process. Drums sold and delivered to Bayonne Barrel & Drum by S&W were empty in accordance with USEPA and NJDEP regulations.

- (2) Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

Response: None

vi. If you contend that any such Container did not contain any substance at the time of the transaction:

- (1) State whether such Container had previously been used by the Company to contain any substance, and if so:

Response: Yes

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- (a) Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and

Response: The empty drums sold to Bayonne Barrel & Drum previously contained paint, ink, dyes, adhesives, solvents and other non-hazardous materials in liquid, solid, and semi-solid form.

- (b) Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

Response: S&W has written analyses of the contents of certain drums delivered to S&W's former facility. S&W has no knowledge whether such analyses correspond or relate to the empty drums sold and delivered to Bayonne Barrel & Drum.

- vii. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;

Response: Each empty container and barrel delivered to Bayonne Barrel & Drum was emptied by S&W by pouring, dumping, and/or pumping its contents into other containers at S&W's former facility in accordance with USEPA/NJDEP regulations. The empty containers and drums were also manually scraped and inspected prior to delivery to Bayonne Barrel & Drum.

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- viii. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices;

Response: See document attached as Exhibit A.

- ix. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and

Response: William F. Moscatello
Robert Fixter

- x. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

Response: Bayonne Barrel & Drum personnel transported some of the empty drums sold by S&W to Bayonne Barrel & Drum.

3. Identify any person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

Response: William F. Moscatello
President
S&W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

Mr. Moscatello is responsible for day-to-day management of the company.
115 JACOBUS AVENUE South Kearny, New Jersey 07032
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James Cogentino, OSC
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Robert Fixter
Vice President, Compliance
S&W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

Mr. Fixter is responsible for environmental compliance.

4. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

Response: William F. Moscatello was consulted on question 2.
Daniel DiAngelis was consulted on question 5.

5. Provide a list of all insurance policies and indemnification agreements held or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.

Response: See list attached as Exhibit B.

6. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

Response: None to S&W's knowledge.

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7. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

Response: None.

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EXHIBIT B

To BURE

mc-110

RCRA FACILITY INVESTIGATION (RFI)
FOR
S&W WASTE, INC.
101-105 JACOBUS AVENUE
KEARNY, HUDSON COUNTY
EPA ID NO. NJD 991 291 105
N.J. FACILITY NO. 0907 N1

5/30/86

The purpose of this RCRA Facility Investigation (RFI) is to review existing sources of information in order to determine the nature and extent of a release(s) of hazardous waste or constituents from hazardous waste management units to the environment. The information will aid the selection of appropriate corrective measures to protect human health and the environment.

S&W Waste, Inc. has been in solid waste management business in the Kearny Town for over 30 years. The company had operated at the old site (53 Pennsylvania Avenue) under a Temporary Operating Authorization issued by the NJDEP beginning May 9th, 1978, and under existing facility status since the New Jersey Hazardous Waste Management Regulations became effective on October 8, 1981. On October 3, 1984, S&W Waste, Inc. relocated its waste storage and treatment operations from 53 Pennsylvania Avenue to the current site, approximately 800 feet away from the old site, at 105 Jacobus Avenue pursuant to an Amendment of the Temporary Operating Authorization issued by the NJDEP on March 5, 1982.

S&W Waste, Inc. is located in a heavily industrial area, with the area zoned as a general industrial district (M-2). The site, approximately 5.83 acres, is bounded at the north by the property of Public Service Electric and Gas Company, to the east by Jacobus Avenue, to the south by the former Syncon Resins facility, and to the west by the Disch Construction Company and the Passaic River. The western property line of the facility is approximately 400 feet away from the Passaic River.

The Brunswick Formation, an essential water-yielding aquifer in northern New Jersey predominates the underlying geology; however, there are no potable wells in the area. Borings taken on the site, before relocation of waste handling operations from old site to the present site, indicate that the first 3 to 4 feet of soil is comprised of sand, cinder, brick chips and other fill materials. Ground water table is at 5 to 6 feet below the ground surface. The direction of ground water movement within the site is west towards the Passaic River.

S&W Waste, Inc. is a non-major, commercial waste management facility. Waste handling operations include the storage, treatment and transfer of liquid, semi-solid and solid hazardous waste, waste oil and sludge, oil spill cleanup wastes, paint waste sludges and liquid spent halogenated and non halogenated solvent streams. Six (6) Solid Waste Management Units were identified at the facility: a waste water tank, a fuel blending tank, drum storage area, bulk storage area, Quality Control (Q.C.) area and solidification pads.

All waste material received in drums, roll-offs and tank wagons by S&W Waste, Inc. first enters the Q.C. dock area for basic laboratory analysis. Tankers, roll-offs and trailers of drums are temporarily stored on crushed-stone-covered soil awaiting "Q.C.". Accepted containerized wastes in trucks or roll-offs proceed to the unloading/loading dock in the drum storage area, a 29,900 square feet concrete pad surrounded by 6 inch high curb. Drummed material is unloaded and segregated. The top layer of liquid materials from drum(s) is pumped out and consolidated in a 5,000 gallon mobile tanker for transfer to the blending operations. The bottom portion of sludge in drum(s) is consolidated in roll-offs for on-site solidification treatment or transfer to off-site authorized facilities. Drums containing corrosive wastes are also segregated and staged for disposal. Accepted liquid wastes in tankers are brought near the tank farm area for blending operations or transfer to off-site treatment facilities. Accepted sludges and slurries in roll-offs are brought to the solidification area (25' X 60') for the solidification process. This area has a concrete pad and is divided into four mixing cells. The drum storage area and the solidification area are continuous concreted pads surrounded by 6" high curbs. Sludges are solidified with cement kiln dust or equivalent materials to eliminate free liquids to prepare them for disposal.

Various types of waste oil are blended and stored with other ignitables in a 15,000 gallon fuel blending tank. The tank is one of three (3) within a diked concreted area, but is the only one in use. The facility conducts blending of waste into non-commercial fuels and blending of wastes for transfer to recycling, treatment, destruction or disposal at off-site authorized facilities. Chlorinated solvents are bulked and transferred to unroadworthy tank trailers dedicated for storage in the bulk storage area. Roll-offs are also stored in this area, underlain by soil covered with crushed stone. The present and proposed tank capacity is 60,000 gallons and the present and proposed container capacity is 187,000 gallons.

Runoff and spills on the drum storage area, solidification pads, and fuel blending area are collected in tankers and shipped to off-site authorized facilities for treatment and disposal. S&W Waste, Inc. has initiated a ground water monitoring program at the facility which has four (4) ground water monitoring wells as shown in Figure 1. The analytical data dated May 20, 1986 have revealed contamination for arsenic in well #4, cadmium in wells #1, 2, 3 and 4 and lead in wells #2, 3 and 4. The reported analytical results of July 9, 1987 for wells #1, 2, 3 and 4 have not shown contamination. However, it appears that the contamination is entering into the eastern portion of the facility's property from off-site sources.

Findings

1. There are documented releases of hazardous wastes and/or constituents from SWMUs during 1986.
2. Six SWMUs currently exist (figure 2):
 - a. Q.C. area
 - b. drum storage area
 - c. bulk storage area

- d. fuel blending tank area
 - e. waste water tank area -
 - f. solidification pads area
3. S&W Waste accepts for storage, treatment and transfer a variety of hazardous waste materials (see attachment 1).
 4. The Q.C. and bulk storage areas have no containment structure.
 5. The drum storage, fuel blending tank, waste water tank and solidification pads areas have containment structures but the drum storage area may have a containment structure inadequate to handle a heavy rainfall. For the years 1933-1974, precipitation for this area averaged 41.5 inches annually.
 6. Spills and releases from roll-offs and vacuum truck, have been documented near the bulk storage areas which are covered with crushed stones, during years 1985 and 1986 (see attachment 2).
 7. Analytical results in the report of 5/20/86 have revealed contamination of ground water. However, analytical results in the report of 7/9/87 have not shown contamination of ground water. The pattern of releases of hazardous waste and/or constituents has been changed during the years 1986-1987, and therefore the potential source of contamination cannot be determined (see attachment 3).
 8. The draft Hazardous Waste Facility permit prepared by the NJDEP includes Condition 12(a)3 to relocate the existing Q.C. dock from the leased PSE&G property to the authorized S&W Waste facility's area, and Condition 31 to comply with soil sampling and analytical plans.

A portion of Condition 12(a)3 states, that the permittee shall prepare and submit to the Department a closure plan and a soil sampling and analysis plan for the quality control dock located at the leased PSE&G property within forty-five (45) days of the effective date of the hazardous waste facility permit. The closure plan should be prepared in accordance with the requirements of N.J.A.C. 7:26-9.8.

Condition 31 refers to the soil sampling and analysis plan for the entire facility. This plan was prepared by Mr. Aziz K. Mureebe, P.E., of Wehran Engineering and dated March 20, 1985. The soil sampling locations are shown on Figure 3. Condition 31 states that at a minimum, within sixty (60) days of the effective date of the hazardous waste facility permit, the permittee shall collect the following soil samples to a depth of approximately 10 to 12 inches from the ground surface at the facility:

<u>Area</u>	<u>Description</u>
A ₁	A single composite sample made up of representative samples of grids A ₁ 1, A ₁ 2, A ₁ 3, A ₁ 4, A ₁ 5, A ₁ 6, A ₁ 7, A ₁ 8 and A ₁ 9.

- A₂ A single composite sample made up of representative samples of grids A₂1, A₂2, A₂3, A₂4, A₂5, A₂6 and A₂7.
- B A single composite sample made up of representative samples of grids B1 and B2.
- C A single composite sample made up of representative samples of grids C1, C2, and C3.
- D A single composite sample made up of representative samples of grids D1, D2, D3, D4, D5, D6, D7, and D8.
- E A single composite sample made up of representative samples of grids E1, E2, E3, E4, E5, E6, E7, and E8.
- F A single composite sample made up of representative samples of grids F1, F2, F3, F4, F5, and F6.

Initially, the permittee will be required to analyze the seven (7) composite samples for all of the USEPA 129 priority pollutants (Table 2 of the report dated March 20, 1985), in order to establish background concentration in soil for these compounds at the site using the procedures as described in the report of March 20, 1985.

Following this initial determination, the permittee will be required to collect samples in areas A, B, C, and D on an annual basis and monitor for compounds identified in the initial analysis with a particular concentration placed on the pollutant of potential concern listed in Table 3 of the report dated March 20, 1985. If the analytical results for the initial samples E and F indicate no significant levels of priority pollutants, these areas would not be sampled on an annual basis until such time as they become active process areas of the facility.

The permit will require that all sample analyses shall be performed by a state-certified laboratory, and the analytical results obtained from soil sampling be submitted to the Department within sixty (60) days of the date samples were taken.

The permit further requires that if it is determined by the NJDEP, based on results from the soil sampling program, that contamination has entered the soil, the owner or operator will be required to prepare and submit a cleanup plan to the NJDEP for review and written approval. Said plan must be submitted within sixty (60) days of a Department request for same. The cleanup plan must include the following information:

- i) A detailed description of the most practicable method cleanup of the facility;
- ii) A time schedule for implementation of the cleanup plan;
- iii) A description of the procedures that will be used to prevent future soil contamination, if applicable;

- iv) A compliance schedule for implementation of a ground water monitoring system in accordance with N.J.A.C. 7:14A-6 to determine if contamination has entered the ground water.

Recommended RFI Work Plan

S&W Waste, Inc. shall initiate a RCRA facility investigation assessment and characterization to evaluate the presence and extent of any ground water and/or soil contamination due to spills and releases in the bulk storage area as well as spills and releases in the vicinity of drum storage area due to inadequate containment system, and the status of suspected solid waste management units that could be linked to operations at the TSD facility.

The assessment and characterization effort centers upon the preparation, submittal, and implementation of several reports, including an Assessment Plan Proposal Report and Characterization Report. The Assessment Plan Proposal Report shall be submitted in a draft and then upon agency approval reach a final form. It shall present a assessment program designed to accurately analyze any ground water and/or soil contamination, soil analysis for the permeable areas which had spills or releases, the status of suspected solid waste management units, and identify interim remedial response measures being conducted at the facility to mitigate potential threat to human health and the environment. After implementation of the assessment program, the USEPA shall review the results presented in the characterization reports and require S&W Waste, Inc. to either continue the assessment and characterization effort or prepare and submit a corrective action plan. Final requirements of a corrective action plan as well as other possible remedial measures shall be determined by the agency at a later date.

The Assessment Plan Proposal Report shall incorporate the following.

1. Ground Water Monitoring Program

S&W Waste shall continue the ground water monitoring program at the facility which has four (4) monitoring wells. The locations of monitoring wells are shown on Figure 1. The annual report covering the concentrations or values of the parameters specified in Condition 4 of the company's Temporary Operating Authorization (TOA Amendment of March 5, 1982 issued by the NJDEP) shall be submitted to the USEPA by March 31 of each year.

Upon issuance of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit pursuant to N.J.A.C. 7:14A-1 et seq., the final NJPDES permit shall supersede any previously existing ground water monitoring program requirements that the company may have implemented. A copy of the draft NJPDES permit prepared by the Bureau of Ground Water Quality Management of the Department's Division of Water Resources is included in Attachment 4. The Department's Division of Water Resources will issue the NJPDES permit at a later date provided such permit is necessary.

The data generated through the permit will be used by the USEPA to evaluate the current status and impact of past activities on ground water quality. It will also give the agency information to determine if there is any potential or actual threat to public health or safety

or damage to the environment due to current or past practices. Based on the information generated, the USEPA may require the facility to reduce the quantity of discharge, upgrade or install additional treatment facilities, install additional monitoring wells, or conduct ground water decontamination procedures.

2. Soil Sampling and Analysis Program

- Find
Issued
5/26/88*
- a) S&W Waste, Inc. shall comply with the soil sampling and analysis plan requirements as specified in conditions 12(a)3 and 31 of the Hazardous Waste Facility Permit to be issued by the NJDEP.
 - b) Prior to initiation of the planned construction of the new Quality Control Dock and new areas A, B, C, D, E, F, G and H for storage of containers (drums, roll-offs, tank wagons), shown in Figure 4, and specified in Condition 12(a)1 of the draft Hazardous Waste Facility permit, S&W Waste, Inc. shall take soil samples for the entire facility as included in the draft permit and obtain soil sampling results to ensure that these areas are clean. Analysis results shall be made available to USEPA.

3. Planned Construction of Quality Control Dock

S&W Waste, Inc. shall terminate the existing Quality Control Dock located at the leased PSE&G property within one hundred and eighty (180) days of the effective date of the NJDEP Hazardous Waste Facility permit, as specified in condition 12(a)3 of said permit. Additionally, the company shall obtain necessary stream encroachment permit from the NJDEP Division of Water Resources, relocate the Quality Control Dock onto the western portion of the approved legal boundaries of the hazardous waste management facility and design and complete the construction of the planned Quality Control Dock within one hundred and eighty (180) days from the date of the NJDEP Hazardous Waste Facility permit, also as specified in condition 12(a)3 of said permit. The planned location within the facility shall be in accordance with the sketch and report prepared by Frank Czigler, dated February 5, 1987.

S&W Waste, Inc. shall prepare and submit to the NJDEP, for review and approval, a closure plan for the existing Quality Control Dock as specified in condition 12(a)3 of the NJDEP Hazardous Waste Facility permit within forty-five (45) days of the effective date of the NJDEP Hazardous Waste Facility permit.

4. Health and Safety Plan

S&W Waste, Inc. shall prepare a facility Health and Safety Plan to be implemented for the investigation.

- a) Major elements of the Health and Safety Plan shall include:
 1. Facility description including availability of resources such as roads, water supply, electricity and telephone service;

2. Describe the known hazards and evaluate the risks associated with the incident and with each activity conducted;
 3. List key personnel and alternates responsible for site safety, responses operations, and for protection of public health;
 4. Delineate work area;
 5. Describe levels of protection to be worn by personnel in work area;
 6. Establish procedures to control site access;
 7. Describe decontamination procedures for personnel and equipment;
 8. Establish site emergency procedures;
 9. Address emergency medical care for injuries and toxicological problems;
 10. Describe requirements for an environmental surveillance program;
 11. Specify any routine and special training required for responders; and
 12. Establish procedures for protecting workers from weather-related problems.
- b) The Facility Health and Safety Plan shall be consistent with:
1. NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (1985);
 2. EPA Order 1440.1 - Respiratory Protection;
 3. EPA Order 1440.3 - Health and Safety Requirements for Employees engaged in Field Activities;
 4. Facility Contingency Plan;
 5. EPA Standard Operating Safety Guide (1984);
 6. OSHA regulations particularly in 29 CFR 1910 and 1926;
 7. State and local regulations; and
 8. Other EPA guidance as provided.

5. Future Assessment

- a) The Assessment Plan Proposal Report shall contain suggestions for Future Assessment contingent upon what is accomplished by the initial Assessment Program. The permittee shall identify all those areas of the proposed Assessment Program that may require additional work and data collection. The permittee shall also propose a procedure or procedures by which the Assessment Program may evolve throughout its implementation to best perform its intended function.
- b) The Future Assessment proposals shall be used by the USEPA to require additional assessment, prepare Corrective Action Requirements and/or relieve S and W Waste of their Assessment obligations.
- c) The USEPA reserves the right to modify or expand upon any aspect of the Assessment Program during program implementation. The agency may meet with the permittee from time to time to discuss and formulate Future Assessment possibilities.

6. Implementation Timetable

S&W Waste, Inc. is required to prepare a timetable outlining a time frame for the implementation of all aspects of the Assessment Program. The timetable shall begin with Departmental approval of the Draft Assessment Plan Proposal Report and conclude with plans for Future Assessment.

All sections of the Draft Assessment Plan Proposal Report shall be reviewed by the USEPA. The agency shall comment and/or modify the proposal. The company shall receive a notice of approval from the agency with all necessary changes.

Implementation of the Assessment Program must begin immediately upon notification of USEPA approval in accordance with the program's timetable and any modifications.

In the event that the Draft Assessment Plan Proposal Report requires modifications, it shall be redrafted to reflect those modifications and/or amendments and resubmitted to the agency as a Final Assessment Plan Proposal Report within 30 days of the approval letter. Implementation of the Assessment Program is not contingent upon submittal of the Final Report. Implementation must begin immediately upon notification of agency approval.

7. Characterization Reports

S&W Waste, Inc. shall prepare and submit the results of the efforts implemented through the Final Assessment Plan Proposal Report in several Characterization Reports.

At a minimum, the Characterization Reports shall consist of an Initial Report on implementation and results of the Assessment Program, reports on ground water sampling data, and Annual Reports updating the implementation and the results of the entire Assessment Program.

The Initial Characterization Report shall be submitted 180 days following implementation of the Assessment Program.

8. Remediation and Corrective Action Plan

- a) The Remediation effort shall involve all corrective actions necessary to correct that portion of the problem that is attributed to S and W Waste's operations past and present.
- b) Based upon the results of the site Characterization Reports the USEPA will notify the permittee to submit within a time period specified by the USEPA:
 1. additional assessment data required to determine the nature and extent of ground water contamination including the effects of S and W Waste's past and present waste management practices on the ground water contamination which currently exists on site.
 2. a Draft Corrective Action Plan designed to implement all necessary remedial actions. The plan shall be based upon and should reflect the results of the Assessment programs. At a minimum, the Corrective Action Plan shall include the following:
 - S and W Waste's role, past and present in the site's ground water contamination
 - proposed remediation actions
 - timetable for implementation of remedial actions
 - compliance schedule
- c) The Draft Corrective Action Plan shall be succeeded by a Final Corrective Action Plan. At a minimum, the Final Plan shall include all conditions of the Draft Plan and all Departmental modifications.

EP9/slw

S & W Waste, INC.
101-105 JACOBUS AVENUE
KEARNY, NEW JERSEY

S & W Waste is located in a heavily industrialized area of Kearny, Hudson County. The facility encompasses approximately 7.5 acres and operates within 400 feet of the Passaic River. The Brunswick Formation, an essential water yielding aquifer in northern New Jersey, predominates the underlying geology; however, there are no potable wells in the area.

S & W Waste was granted a Temporary Operating Authorization (TOA) as a Treatment Storage and Disposal (TSD) facility in August, 1984. In September, 1984, operations were transferred from the facility at 53 Pennsylvania Avenue, Kearny, to the present location. Operations include the storage, processing and transfer of dry non-hazardous waste, solid hazardous waste, non-hazardous liquid waste, hazardous liquid waste, dry sewage sludge, and miscellaneous semi-solid wastes. Wastes are consolidated, decanted, solidified, blended, filtered, or settled prior to shipment for resale or disposal. Six (6) Solid Waste Management Units were identified at the facility: a waste water tank, a fuel blending tank, drum storage area, bulk storage area, quality control (Q.C.) area and solidification pads.

All wastes material received by S & W first enters the Q.C. area for basic laboratory analysis. Tank trailers and trailers containing drums are temporarily stored on crushed stone covered soil awaiting "Q.C.". Accepted waste proceeds to the drum storage area, a 26,000 square foot, bermed, cement pad. Drummed material is unloaded and segregated. Solvents and waste oils are bulked for resale, sludges are stabilized for disposal, and corrosives are segregated and staged for disposal.

Various types of waste oil are blended and stored with other ignitables in a 15,000 gallon fuel blending tank. The tank is one of three (3) within a cement impoundment, but is the only one in use. Blends are manifested off-site for use as fuel for cement kilns. Solids, semi-solids, and sludges are consolidated and stabilized with cement kiln dust in the solidification pads for off-site disposal. Chlorinated solvents are bulked and transferred to unroadworthy tank trailers dedicated for storage in the bulk storage area. Solvents are manifested off-site for recycling or disposal. Roll-offs are also stored in this area, underlain by soil covered with crushed stone.

Runoff and spills on the drum storage pad, solidification pads, and in the fuel blending tank impoundment are collected and stored in the waste water tank for removal and treatment at an approved facility.

S & W Waste has initiated a ground water monitoring program. Although analyses have revealed contamination, results are inconclusive regarding the source of release due to the locations of the four monitoring wells.

FINDINGS

1. There are documented releases of hazardous wastes and/or constituents from SWMUs.
2. S & W Waste accepts and processes a wide variety of hazardous waste materials.
3. Six SWMUs currently exist:
 - a. Q.C. area
 - b. drum storage area
 - c. bulk storage area
 - d. fuel blending tank
 - e. waste water tank
 - f. solidification pads
4. The Q.C. and bulk storage areas have no containment structure.
5. The drum storage area may have an inadequate containment structure.
6. Releases have been observed in the bulk storage area.
7. Ground water analyses have revealed contamination; however, due to the location of the four (4) monitoring wells, the source of contamination cannot be determined.
8. A fire occurred in a roll-off container in December, 1985. Incompatible materials are believed responsible for the spontaneous combustion.

RECOMMENDATIONS

A remedial investigation (RI) is warranted based on the documented releases to soil and ground water contamination.

Based on the results of a RI, a feasibility study (FS) should be conducted to determine a course of action to protect human health and the environment.

All actions taken by EPA should be integrated with NJDEP activities.

EXHIBIT C

CPS
COMPLIANCE PLUS SERVICES



July 14, 2004

Mr. David Greenlaw
Program Coordinator
U.S. Environmental Protection Agency, Region II
Building 10, MS-105
2890 Woodbridge Avenue
Edison, NJ 08837

RE: Annual PCB Report for Clean Earth North Jersey, Inc. ("CENJ"), 115 Jacobus Ave.,
South Kearny, New Jersey, 07032, EPA ID No. NJD991291105, Reporting Period -
January 1, 2003 through December 31, 2003

Dear Mr. Greenlaw:

Compliance Plus Services, Inc. ("CPS") is pleased to submit the enclosed 2003 Annual PCB Report to the Agency on behalf of Clean Earth of North Jersey, Inc. ("CENJ"). This report is intended to comply with the requirements specified in 40 CFR 761.180(b).

If you have any questions related to the information provided here, please do not hesitate to contact me at (215) 997-6320.

Sincerely,

Michael D. Logan
Vice President, Environmental Services
Compliance Plus Services, Inc.
Corporate Compliance Consultant to the Clean Earth Companies

Enclosure

cc: Robert Fixter, Clean Earth of North Jersey, Inc.
Anthony Fontana, NJDEP

MDL/mz

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Annual Report
for the year: 2003

Company: Clean Earth of North Jersey, Inc.

Address: 115 Jacobus Avenue
South Kearny, New Jersey, 07032

EPA ID Number: NJD 991 291 105

Contact Name: Michael D. Logan / Robert Fixter

Contact Phone: (215) 997-6320 / (973) 344-4004 (x 272)

	TOTAL WEIGHT OF PCB WASTE	PCB TRANSFORMERS		PCB LARGE CAPACITORS		PCB ARTICLE CONTAINERS		PCB CONTAINERS	
		WEIGHT OF PCBS	NUMBER	WEIGHT OF PCBS	NUMBER	WEIGHT OF PCBS	NUMBER	WEIGHT OF PCBS	NUMBER
IN STORAGE AT THE BEGINNING OF THE YEAR	70	0	0	0	0	0	0	70	1
RECEIVED BY THE FACILITY	1109	1109	3	0	0	0	0	0	0
GENERATED AT THE FACILITY	0	0	0	0	0	0	0	0	0
TRANSFERRED TO ANOTHER FACILITY	434	364	1	0	0	0	0	70	1
DISPOSED OF AT THE FACILITY	0	0	0	0	0	0	0	0	0
REMAINING IN STORAGE AT THE END OF THE YEAR	745	745	2	0	0	0	0	0	0

All weights in kg

- (1) manifest numbers for all manifests initiated at the facility in 2003: NYG3268413, NYG3268422, BLO40204-0011
- (2) manifest numbers for all manifests received by the facility in 2003: NJA5098182, NJA5083129, NJA4029259